

DAVID J HALE JR  
P.O. BOX 6004  
ROCKFORD, IL 61104

January 16, 2014

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RE: David Hale for Congress  
Committee ID: C00553826  
MUR 6770

Dear Mr. Jordan:

This letter is written in response to the complaint filed by John Lask, of Caledonia, IL 61011 ("complainant") against David Hale and David Hale for Congress ("candidate").

SUMMARY OF CANDIDATE'S RESPONSE TO COMPLAINT

1. Complainant's speculative allegations regarding violations of 11 CFR §100.3, 11 CFR §101.1, and 11 CFR §102.12 are unburdened by any basis in fact and are patently false as of December 12, 2013 (date of complaint certification) and subsequently.
2. Complainant's allegation regarding the alleged violation of 11 CFR § 110.11 is without factual basis, as of the date of this letter.

*Please note, This response incorporates by reference ... Candidate's filed timely campaign disclosures the Disclosure Report FEC-900218, which is due by January 31, 2014. Filing of FECfile v.8.1 upload on on January 14, 2014 at 13:02 EST (Filing ID No. FEC-900218).*

[[Please note, this response incorporates by reference Candidate's Disclosure Report (Filing ID No. FEC-900218) uploaded on January 14, 2014 at 13:02 EST]]

CANDIDATE'S RESPONSE TO COMPLAINT

Complaint Facts at issue No.1:

"On September 8, 2013, Mr. David Hale announced his candidacy for the Republican Nomination for the Illinois 16<sup>th</sup> Congressional District. Since September, 2013, David Hale has actively campaigned and has publicly held himself out as a candidate for congress.

Candidate's Response to Facts at issue No.1:

Candidate affirms the foregoing statement of fact.

Complaint Facts at issue No.2:

"During his candidacy, David Hale has traveled across Illinois' 16<sup>th</sup> Congressional District for campaign purposes, specifically speaking engagements before political organizations. The travel costs for traveling to these events has been paid for David Hale for Congress."

Candidate's Response to Facts at issue No 2:

Candidate affirms the foregoing statement of fact. Candidate further states that all reportable "travel costs" incurred as of the date of this letter have been properly reported. According to Information Division Analysts mileage expenses are non-reportable if no reimbursement expense is expected. FEC Candidate Guide clearly states that Mileage Expenses are non-reportable.

Complaint Facts at issue No.3:

"Since announcing his candidacy. David Hale has purchased "David Hale for Congress" campaign materials and merchandise. In September, 2013, David Hale's campaign website (<http://electdavidhale.com>) "David Hale for Congress" was launched. David Hale incurred expenses for the construction of the "David Hale for Congress" website from Watson Information Technology Services for hosting the content on "David Hale for Congress." The specific use of "David Hale for Congress" is to provide public communications to the general public. David Hale publicly claims to have under \$4000 in campaign funds less these campaign expenses. (<http://davidhalecongress.blogspot.com/2013/11/financing-adam.html>)."

Candidate's Responses to Facts at issue No 3:

Each of these aforementioned Complainant's implications, under color of an FEC alleged violation, are factually challenged and are totally irrelevant with regard to Candidate's past or current compliance with applicable FEC regulations.

Candidate responds, sentence wise, as follows:

1. "Since announcing his candidacy. David Hale has purchased "David Hale for Congress" campaign materials and merchandise."

RESPONSE: Candidate affirms the foregoing statement.

2. "In September, 2013, David Hale's campaign website (<http://electdavidhale.com>) "David Hale for Congress" was launched."

RESPONSE: Candidate affirms the foregoing statement, in that said website was launched on or about October 14, 2013. [[The earlier version?????]]

3. "David Hale incurred expenses for the construction of the "David Hale for Congress" website from Watson Information Technology Services for hosting the content on "David Hale for Congress."

RESPONSE: Candidate affirms the foregoing statement. Candidate further states that the aforementioned "website hosting" cost is properly reported in the amount of \$48.00. The "website construction" was donated by a citizen not compensated by a 3<sup>rd</sup> party and, as such, is not reportable per FEC Candidate's Guide.

4. "The specific use of "David Hale for Congress" is to provide public communications to the general public."

RESPONSE: Candidate affirms the foregoing statement.

5. "David Hale publicly claims to have under \$4000 in campaign funds less these campaign expenses. (<http://davidhalecongress.blogspot.com/2013/11/financing-adam.html>)."

RESPONSE: Candidate states that above referenced statement regarding Hale campaign funding status, when uttered in said internet forum on November 30, 2013, referred to my personal *estimate* of the campaign's funding status, which was substantively accurate. In fact, a more exact accounting revealed that, as of

November 27, 2013, the campaign had collected \$4,400 in total. The campaign did not reach the \$5,000 threshold during the timeframe covered by this complaint. My Candidate Statement was officially filed on Dec 12, 2013.

Complaint Facts at issue No.4:

"On November 24, 2013, David Hale traveled from Rockford Illinois to Springfield Illinois to file his nominating petitions for Illinois' 16<sup>th</sup> Congressional District. On November 25, 2013, David Hale filed his nominating petitions with the Illinois State Board of Elections."

Candidate's Response to Facts at issue No.4:

Candidate affirms the foregoing fact at issue. Further, Candidate states that all reportable out of district travel and related expenses were properly reported through as of the date of this letter.

Complainant's Application of Law to the Facts No. 1

"Under 11 CFR § 100.3 an individual seeking office becomes a candidate when that individual received \$5000.00 in campaign contributions or has made campaign expenditures in the aggregate of \$5000.00. David Hale has credibly aggregated \$5000.00 in the campaign expenditures with travel, website construction, website design, website content hosting fees, the opening of a campaign PO Box, campaign materials, and printing costs for nominating petitions and campaign literature. Under 11 CFR § 101.1 in accordance with 11 CFR §§ 102.12 a candidate must submit in writing his "statement of candidacy" designating a political committee to serve as his or her principal campaign committee. Under 11 CFR § 100.3 David Hale has credibly aggregated \$5,000.00 in campaign expenditures and has failed to file his "statement of candidacy" in violation of 11 CFR § 101.1. In the alternative, after incurring the above expenses, on November 30, 2013, David Hale publically claimed to have less than \$4,000.00 (not \$3,000) cash on hand after expenses for his campaign contributions and has failed to file his "statement of candidacy" in violation of 11 CFR § 101.1."

Candidate's Response to Complainant's Application of Law to the Facts No. 1

Complainant's allegation is without factual basis.

Complainant's Application of Law to the Facts No. 2

"Under 11 CFR § 110.11 all internet website of political committees available to the general public must contain political disclaimers. David Hale's campaign website "David Hale for Congress" is intended to provide communications regarding his policy positions, campaign events, and how to contribute to the campaign of David Hale for Congress. David Hale's campaign website (<http://electdavidhale.com>) does not provide political disclaimers in violation of 11 CFR § 110.11."

Candidate's Response to Complainant's Application of Law to the Facts No. 2

Said website was launched on October 14, 2013. Candidate's position on the 2014 primary ballot was established on December 11, 2013. The required FEC required campaign finance disclosure qua "political disclaimers" were properly disclosed on said website on 01/14/14. At the time the website was launched no Campaign Committee exists. A Campaign Committee was officially established on December 12, 2013. For all visiting the website it was clear that the public was in no way mislead because it was clearly obvious it was the candidate's website and not someone else. David Hale apologizes for the error and immediately fixed it upon notification. The error is corrected.

[[ Candidate's campaign website was launched on October 14, 2013. At that time, no Campaign Committee existed. Candidate's position on the 2014 primary ballot was established on December 11, 2013. The Campaign Committee was officially established on December 12, 2013, prior to reaching the \$5,000 threshold.

The website content, as it appeared between October 14, 2013 or December 13, 2013 and January 14, 2014, was clearly and obviously Candidate's website and not someone else's.

On January 14, 2014, the campaign website was immediately updated to include "©2013 David Hale for Congress | Paid for by David Hale for Congress". I apologize for this error, which I fixed within hours of receiving notification. ]]

Respectfully Submitted,

David J. Hale, Jr



Republican Primary Candidate for Congress, IL-16

I, David J. Hale, Jr a citizen of the United States of America do hereby certify that the foregoing responses to the FEC letter dated January 7, 2014 are true and correct to the best of my ability to establish the facts.

David J. Hale, Jr



Republican Primary Candidate for Congress, IL-16

Sworn to and subscribed before me this 16th day of January, 2014.